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Sent: Wednesday, October 20, 2010 11:37 AM

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Subject: A clarification to your letter of ~~September 21~~ October 6 re: the Water Board report on Delta Ecosystem Flow Criteria

Dear Chairman Soeth and members of the Board of Supervisors:

Thank you very much for your comment letter of ~~September 21~~ October 6, which discussed the State Water Resources Control Board draft Flow Criteria for the Delta ecosystem. We are aware of the importance of this report, and the importance water flows have to an improved Delta ecosystem.

In your letter, there was a phrase reading: "With the adoption of the Draft report by the Delta Stewardship Council....."

This phrase seemed to suggest that the Council had already approved or adopted the Water Board report. That is not the case. We have received the published document and received a briefing from Water Board staff. Our consultants, who are helping us prepare the Delta Plan, are also reviewing the report. We have received the recent report from the Department of Fish & Game relative to the same subject area. However, any decision the Council makes on water flows for the Delta will come during our Delta Plan discussions over the coming months. We are legally required to adopt our Delta Plan no later than January 1, 2012 (Water Code Sec. 85300 (a)).

We have no doubt that these reports are serious and substantial. To be sure, any suggested water flow for the Delta is likely to be controversial. As you know, the Water Board and the Fish & Game reports, were required by the Delta/Water bill package of 2009 and specifically intended to 'inform' the Council as it develops and adopts the Delta Plan, and also to inform the Bay Delta Conservation Plan process (Water Code Sections. 85084.5 and 85086 (c) (1), etc.

As the flow criteria reports inform our judgment, so too do the comments and observations of interested parties such as the County of Butte. Please continue to send the Council your observations. They are very helpful.

Phil Isenberg

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